IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 2853 of 2007.

Santosh Shahaji Patil &
Anr ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Vikas Shivarkar, Advocate for the applicant.

Mr S. S. Pednekar, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 12th September,2007.

P.C.:-

1. Heard learned counsel for the applicants-accused and learned APP for the State.

2. Perused application and the material available on record.

3. The applicants Nos.1 and 2 are seeking bail in C.R. No.260 of 2007 registered with Deccan Police Station,Pune for the offence punishable under Section 395 read with Section 34 of the I.P.C.

4. According to the prosecution, the present applicants- accused and other co-accused had cut sandal wood trees standing in the campus of ILS Law College, Pune and

when the watchman noticed the theft that was being committed by the applicants-accused, he was threatened to death by the accused. The accused took away the sandal wood. However, the security guard chased the four accused persons out of whom only two accused(i.e. the present applicants) could be caught raid handed but two of them ran away.

5. Having heard the rival parties and having seen the material available on record, prima facie, the ingredients of the offence punishable under Section 395 of the I.P.C. cannot be made out.

6. The learned counsel for the applicants submits that the applicants are already in custody for more than three months. Nothing is recovered from them. Investigation is already complete. The charge-sheet is yet to be filed. The learned APP opposed this application, however, could not take his submission to the logical end.

7. In the above view of the matter,I am inclined to grant bail to the present applicants on following terms and conditions.

a] the applicants Nos. 1 and 2 -accused Santosh Shahaji Patil and Amar Baburao Kamble be released on bail in C.R. No.260 of 2007 in the sum of Rs. 10,000/-each with one or two sureties each in the like amount.

b] the applicants shall report Deccan Police Station,Pune once in a week i.e. on Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

c] the applicants shall not pressurise prosecution witnesses and that they shall co-operate the Investigating agency.

d] The applicants shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants-accused to delay the trial may be a ground for cancellation of bail.

e] The order of bail will be given effect only after the applicants furnish to the Trial Court the details about their place of residence and address where they propose to stay after they

are enlarged on bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

8. The application is allowed in the above terms.

(V.C. DAGA,J.)